



HERRICK

October 20, 2017

VIA ECF

Hon. Tonianne J. Bongiovanni, U.S.M.J.
U.S. District Court, District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: USI International Inc. v. Festo Didactic Inc.
3:15-CV-08451-MAS-TJB

Dear Judge Bongiovanni:

This firm represents plaintiff USI International Inc. ("USI") in the above-referenced matter. We write to update the Court on the status of the amendment to the Complaint discussed at the status conference on September 20, 2017.

We have provided our proposed amendment to counsel for defendant Festo Didactic Inc., Mr. Gregory Hauser. Mr. Hauser objects to the new factual theory presented in the proposed amendment and the addition of a fraud claim. Mr. Hauser further reserves all rights to respond further to any arguments offered by USI in support of the amendment.

Please advise as to whether USI should proceed with a formal motion to amend.

Thank you for your attention to and consideration of this matter.

Respectfully submitted,

/s Elena T. McDermott

Elena T. McDermott

cc: All Counsel of Record (via ECF)

*Plaintiff to file Motion to
Amend by November 10, 2017
Depositions, if any, affected by
the proposed amended Complaint
are to be stayed until a
decision on the motion is
rendered*

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HF 11733809v.1 #17889/0001

So Ordered this 25 day
of October, 2017

[Signature]